

REMARKS/ARGUMENTS

Responsive to the Office Action mailed April 4, 2006: The Office Action rejected claims 1-10 under 35 USC 103(a) as being unpatentable over Hayka in view of Hon. Applicant respectfully traverses the rejection.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.¹ If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.²

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.³

Applicant respectfully traverses the § 103 rejection because the office action has not established a *prima facie* case of obviousness.

The references do not teach or suggest all the claim limitations.

As to claim 1, the Examiner has not shown where either reference discloses:

(d) a dental filling material for the restorative procedure on the prepared dentition.

Hayka only discloses a simulation system for drilling into artificial teeth. It does not disclose dental filling material for the restorative procedure on the prepared dentition. The Examiner cites to Col. 12 lines 10-30, 63-64. While Table 1 discloses a simulation parameter for the filling material, it does not provide the actual filling material. Rather, it simulates the necessary preparation procedures for different filling materials.

¹MPEP Sec. 2142.

² Id.

³Id. (emphasis supplied)

The Examiner has not shown where either reference discloses:

(e) dental instruments for placement, control and shaping of the dental filling material in the restorative procedure.

Because Hayka does not disclose dental filling material, it also does not disclose dental instruments for placement, control and shaping of the dental filling material in the restorative procedure.

Claim 1 is therefore allowable.

Claims 2-5 contain additional elements and/or limitations beyond allowable claim and are therefore also allowable.

Claims 8-9 are allowable for the reasons given above in regard to claims 1-5.

As to claim 10, the references do not disclose:

(d) performing the restoration procedure step on the prepared dental model.

Again, the references do not disclose dental filling material, therefore it is impossible to perform step (d).

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

Dated: 3 Aug 06

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